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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID BIRD,

Defendant,

Case No.: 2:13-cr-00088-APG-CWH

**STIPULATION TO CONTINUE  
REVOCATION HEARING**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED by and between JASON M. FRIERSON, United States Attorney, and JACOB OPERSKALSKI, ESQ Assistant United States Attorney, counsel for the United States of America, and TODD M. LEVENTHAL, ESQ., counsel for DAVID BIRD, that the revocation hearing date scheduled for January 14, 2025 , at the hour of 9:00 a.m. be vacated, and set to a date and time convenient to this Court, but not sooner than thirty (30) days.

The Stipulation is entered into for the following reasons:

1. The defendant is not in custody and does not object to the continuance.
2. Mr. Leventhal has spoken to Mr. Operskalski, Assistant United States Attorney and both parties agree to the continuance.
3. The parties need additional time to prepare.

4. The requested time is not for purposes of delay

DATED: January 9, 2025

Submitted By: LEVENTHAL & ASSOCIATES, PLLC

By /s/ Todd M Leventhal

TODD M. LEVENTHAL  
Counsel for David Bird

By /s/ Jacob Operskalski

JACOB OPERSKALSKI  
Assistant United States Attorney

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**FINDING OF FACT, COCLUSION OF  
LAW, AND ORDER**

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing therefore, the  
Court finds that:

1. The defendant is not in custody and does not object to the continuance.
2. Mr. Leventhal has spoken to Mr. Opskalski., Assistant United States Attorney  
and both parties agree to the continuance.
3. The parties need additional time to prepare.
4. The requested time is not for purposes of delay.

**CONCLUSIONS OF LAW**

The ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant it would likely result in a miscarriage of justice.

**ORDER**

IT IS FURTHER ORDERED that the Revocation Hearing date currently scheduled for January 14, 2025 at the hour of 9:00 a.m., is vacated and continued to February 19, 2025 at the hour of 10:00 a.m. in Courtroom 6C.

DATED: January 10, 2025

BY: \_\_\_\_\_

ANDREW P. GORDON  
CHIEF UNITED STATES DISTRICT JUDGE